

Notice of Allowability

Application No.

10/777,889

Examiner

Peter J. Vrettakos

Applicant(s)

OKADA, TSUTOMU

Art Unit

3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment 4-3-6.
2. ☒ The allowed claim(s) is/are 1,3-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date <u>2-12-04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tom Spinelli on June 9, 2006.

The application has been amended as follows:

Claim 1 now reads:

A high-frequency knife, comprising:

an electrically insulating flexible sheath having a distal end and a proximal end;

an operation member inserted into the sheath to be movable in an axial direction therein;

an operation section provided on the proximal end of the sheath, the operation section having a slider part which moves the operation member in the axial direction of the sheath; and

an electrode part provided on the distal end of the operation member, at least a part of the electrode part being axially projected from and retracted in the distal end of the sheath, the electrode part having a rod electrode part extending in the axial

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direction of the sheath and a plate electrode disposed on a distal end of the rod electrode part, the plate electrode part including a plane surface part extending in a direction crossing the axis direction of the sheath; and

a plurality of electro-conductive projecting portions formed on the plate electrode part and projecting in an extending direction of a plane surface of the plate electrode part, the plurality of electro-conductive projecting portions projecting in directions different from each other.

Claim 3 now reads:

A high-frequency knife according to claim 1, wherein the plate electrode part has a disc, and

hook portions having a plurality of projections provided on an external peripheral surface of the disc, the projections being arranged along a line in a peripheral direction on the external peripheral surface of the disc.

Claim 5 now reads:

A high-frequency knife according to claim 4, wherein the polygonal plate has a triangular shape, and hook portions that are provided on corner portions of the triangular plate.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: Kittur (5,846,241) represents the closest prior art. In the most recent office action (1-13-06), figure 7 element 50 was designated as a plurality of projections. The Applicant has responded by amending (4-3-06) into independent claim 1, language toward a plurality of **electro-conductive** projecting portions (as seen in Applicant's figures 10-12 elements 32,42 and 53). Notwithstanding the argument that element 50 is actually a ring, Kittur's element 50 is **insulative** as disclosed in col. 5:12-15. Therefore, Kittur no longer anticipates or makes obvious the Applicant's claimed invention. The erstwhile double patenting rejections are obviated in light of the amendment (no insulating member for the electrode in instant application claim 1) as well as arguments (no term would be disclaimed) provided in the most recent amendment. To this end, claims 1-8 (claim is independent) are allowed.

The Application claims priority to Japanese Application 2003-043110 2/20/03. Note the duplicate figures to those in the instant application.

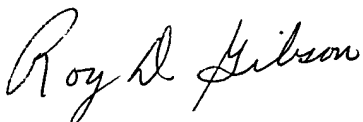
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Vrettakos whose telephone number is 571-272-4775. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C. Dvorak can be reached on 571-272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Pete Vrettakos
June 5, 2006



ROY D. GIBSON
PRIMARY EXAMINER